

RUSH COUNTY SOLID WASTE MANAGEMENT DISTRICT
AMENDED ORDINANCE 2010-1

AN ORDINANCE PREVENTING AND ASSESSING FINES FOR
ILLEGAL DUMPING

WHEREAS, the Rush County Solid Waste Management District ("District") is charged with the responsibility of encouraging recycling, through reducing, reusing and reclaiming products; and

WHEREAS, people have made a vast improvement in the reduction of items deposited in landfills, and left along the sides of roads and in other improper locations; and

WHEREAS, there does, however, still exist a problem with illegal dumping, including leaving trash and other materials that cannot be recycled at the Recycling Center in Rushville, Rush County, Indiana; and

WHEREAS, the District has encouraged people to properly dispose of materials through education, but this problem still exists; and

WHEREAS, the District has now reached the last option of fining those who engage in illegal dumping.

NOW, THEREFORE, BE IT ORDAINED BY THE RUSH COUNTY SOLID WASTE MANAGEMENT DISTRICT:

1. This Ordinance is adopted pursuant to Ind.Code 36-1-3-1.
2. Upon learning of an alleged illegal dumping event, the Executive Director of the District shall mail a notice, by certified mail with return receipt requested, to the alleged violator at his or her last known residential or business address. The notice shall state what violation occurred, contain a brief statement of the evidence or facts that support that allegation that a violation occurred and that the alleged violator is the person that committed the act, and contain the penalty imposed upon the alleged violator and the date by which the penalty shall be paid. The notice shall also contain a statement that the alleged violator has a right to request a review before the District Board under Section 5 of this Ordinance.
3. For materials that are disposed of improperly and illegally, whether at the Recycling Center in Rushville, Rush County, Indiana, or at another location in Indiana, the following penalties shall be imposed:

- a. For the first offense committed by an alleged violator, the penalty shall be a fine of Fifty Dollars (\$50.00), plus any environmental clean-up costs.
 - b. For the second offense committed by an alleged violator, the penalty shall be a fine of One Hundred Dollars (\$100.00), plus any environmental clean-up costs.
 - c. For the third offense committed by an alleged violator, the penalty shall be a fine of Two Hundred Fifty Dollars (\$250.00), plus any environmental-clean-up costs.
 - d. For the fourth offense committed by an alleged violator, the penalty shall be a fine of Five Hundred Dollars (\$500.00), plus any environmental clean-up costs.
 - e. For the fifth and each subsequent offense committed by an alleged violator, the penalty shall be a fine of One Thousand Dollars (\$1,000.00), plus any environmental clean-up costs.
4. The alleged violator shall have the opportunity to enter into an agreed order with the District providing for the actions to correct the violation and to take any remediation steps necessary to clean any contamination that occurred as a result of the illegal dumping, at the sole expense and liability of the alleged violator.
5. If an alleged violator wishes to seek a review of the decision of the Executive Director, the alleged violator shall send a notice to the Chair of the District Board, with a copy to the Board Attorney, within twenty (20) days of receiving the notice from the Executive Director. The notice requesting the review shall contain the reasons seeking the review. The Board shall then hear the review at its next regularly scheduled meeting, unless the Board elects to call a special meeting for the purpose of hearing the review. The payment of any penalty shall be stayed until the Board hears the review.
6. If any law enforcement officer, whether an officer of the County, City, Town, or State Law Enforcement Departments, sees an offense being committed under this Ordinance, said law enforcement officer shall have the power and authority to issue a ticket or other citation to the alleged violator under the provisions of this Ordinance.
7. The Executive Director of the District shall have the power and authority to issue a ticket or other citation to an alleged violator at any time upon receipt of a complaint of a violation of this Ordinance and investigation into the complaint, providing the investigation reveals sufficient information for the Executive Director to believe the allegations to be true.

/s/ Carole Yeend
Carole Yeend,
Executive Director